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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN JOSE DIVISION**

11 JOE T. NOMURA

12 Plaintiff(s),
13 vs.

15 AMAZON.COM, INC.,

16 Defendant(s)

Case Number 5:11-CV-01210-HRL

**AMAZON.COM, INC., IS CLEARLY
INFRINGING THE '622' PATENT.
RESPECTFULLY SUBMIT TO COURT
PLAINTIFF'S PROOF OF EVIDENCE
AND THE FACT OF THE TRUTH
FROM AMAZON'S DKT. [126].**

**SUMMARY JUDGMENT MOTION
HEARING:
DATE: SEPTEMBER 10TH 2013
TIME: 1:30PM
Cttrm: 2
At 208 S. 1st Street
SAN JOSE, CA 95113**

26 [AMAZON.COM, INC., IS CLEARLY INFRINGING THE '622' PATENT. RESPECTFULLY SUBMIT

27 TO COURT PLAINTIFF'S PROOF OF EVIDENCE AND FACT OF THE TRUTH FROM AMAZON'S DKT. [126]]

28 Case No. CV-01210-HRL

[A.] TO BEGIN:

This '622' patent was documented "IT" (Information Technology and Internet Technology). The core of Technology "TREE" of the Internet Video Business Method and Process from the latest Technology Core Components and available latest Internet functions and features. The '622' patent (VIDEO-ON-DEMAND SYSTEM) disclosed the most largest versatile scale for "IT" market. The '622' patent was never invented from "House Garage Measurement Technology" Now '622' "Technology Tree" branches are trimming by the Internet Giants to make faster, easier and better to the Internet Users which is '622' patent Box [125~137]. Too many branches and leaves (which is Internet Giants like Social Networking Websites, Oracle, Adobe, Java etc...) from the "Technology Tree" ('622' patent) with Pop-Up Ads and version upgrades force innocent users to purchase ('622 Box [125~137])). Addition to Browser and operating system frequently changing without knowing (like cookies, worms, viruses etc..) These "Tree Branches" are growing first for slowing down computer access for Internet users. '622' patentee has to stand against the Internet Giants abusing and controlling the Internet Users.

[B.] The Answer Of Dkt [126] IV. Pg 1A~ C.

Plaintiff respectfully submit the following opinion against Amazon Dkt [126]:

This Dkt. [126] is covering all Amazon's infringement proof of evidence and fact of the truth. First, defendant's has never used standard legal procedure for invalidation of '622' patent. Why is it that the Hawkins (US Patent# 6,005,561) and Hendricks (US Patent#5,600,573) could not be prosecuted against the '622' patent? **(SEE CHART BELOW).**

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Proof of Evidence and Fact of the Truth Comparison
NO ARGUMENT AGAINST "622" (US 7,254,622) by
'561' (US 6,005,561) and '573' (US 5,600,573)
"622 is a valid processed USPTO under Dept. of Commerce.
Immediately rule and prosecute "622" patent infringement

SEQ#	Patent Claims.	'622' Patent Disclosure.	'561' and '573' Patent Disclosure.
01	Business Market	Internet Users (Worldwide Global Scale).	CATV, TV Broadcast Subscriber (Only U.S.A. Market Scale). No International Scale
02	Delivery and Distribution	Cellphone Network Box [118] To and From Box [125~137].	Cellphone Network never claimed.
03	Delivery or Distribution With "Wired" Line	Any Common Carriers Box [115~121] To and From Box [125~137].	Carrier per wired location and only subscribe with multi dwelling wiring.
04	Delivery or Distribution With "Wireless" Communications	Can subscribe to simultaneous Common Carriers Box [115~121] To and From Box [125~137]	Only subscribed carrier per wireless location with multi dwelling Local Area Wireless Network (WiFi).
05	Storage of Stored Contents.	"RAS" (Remote Accessible Server). Menu driven selection of contents by viewers.	Contents controlled and aired by broadcasted host station.
06	Watching and Viewing	Watch Online and/or Fully Download for Anytime, Anywhere, Anybody.	Can watch only subscribed programing when connected to line and can only watch at subscribed location.
07	Contents Transport and Delivering.	IP (Internet Protocol) Signal Format.	T.V., CATV, Broadcasting Signal format.
08	Communication Module	Internet Capable Interface Communication Module.	Only T.V. Receiver Communication Module.
09	Viewing Devices	Box [125~137].	Only T.V. monitor with T.V. Tuner.
10	ISP Definition	Internet Service Provider (ISP). Box [115~116].	Information Service Provider (ISP)

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Proof of Evidence and Fact of the Truth Comparison
NO ARGUMENT AGAINST "622" (US 7,254,622) by
'561' (US 6,005,561) and '573' (US 5,600,573)
"622 is a valid processed USPTO under Dept. of Commerce.
Immediately rule and prosecute "622" patent infringement

SEQ#	Patent Claims.	'622' Patent Disclosure.	'561' and '573' Patent Disclosure.
11	Video Access	Online Real Time Timesharing Batch Computer System (Internet related).	T.V. Broadcasting Network System.
12	Data Storage	Storage to Internal/External Storage Memory and removable	NO STORAGE DISCLOSED
13	Program Selection	Menu Driven ISP/ASP by unlimited selection or display.	Limited by contents service provider with T.V. Remote Controller.
14	ISP/ Wired and Wireless	Internet Service Provider Box [115~121]	NO DISCLOSURE
15	ASP/ Wired and Wireless	Internet Application Service Provider Box [115~121]	NO DISCLOSURE
16	PDA (Personal Digital Assistant)	Personal Digital Assistant (Communication Modules) Box [119]. To and From Box [125~137]	Personal Data Assistant (PDA). Feature and functions of electric program coded menu devices.
17	Video or Video Game Purchase or Rental Business	Perfect for complete downloading, watching and storing.	Pre-Scheduled or Pay-Per-View aired only.
18	Video Library Storage.	Fully Computerized Web Server System.	Scheduled Broadcasting System. Until used, stored until aired at specified location.
19	Remote Access	On Demand By "RAS" Anytime, Anyplace, Anybody.	Head-to-End (One way broadcast Carrot and Trumpet System).
20	Selling Video Program	Perfect for complete selling flexible by Downloading.	Fixed Monthly Fee, Pay-Per View only.
21	View Location	For Anybody, Anywhere Anytime.	At Home/Local FCC regulated area.

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Case No. CV-01210-HRL

Proof of Evidence and Fact of the Truth Comparison
NO ARGUMENT AGAINST "622" (US 7,254,622) by
'561' (US 6,005,561) and '573' (US 5,600,573)
"622 is a valid processed USPTO under Dept. of Commerce,
Immediately rule and prosecute "622" patent infringement

22	View Time	Anytime (24 hrs. 7days a week by menu driven).	Only scheduled from EPM (Electric-Program-Menu selection).
23	Electric Power Source	'622' Box [125~137] source from electrical outlet or batteries.	Only available by electric power outlet location.
24	Unlimited Content Selection.	Unlimited content is available Box [125~137] can switch to next Web Site	"Only" Subscribed Contents Provider Aired "Only"
25	Business Cost	Initial Set-Up and Nominal Maintenance Cost	Cost accumulated for individual new subscriber and closed subscribed account.
26	Hardware Cost	No accumulated additional viewers cost. Cost to access interface by volume.	"More" viewers requires "More" Hardware.
27	Software Cost	Box [125~137] If viewers grow, cost for software decreases by the number of viewers.	If users grow, accumulated Hardware, Firmware, Middleware expenses are required.
28	Labor and Staff	'622' disclosed fully computerized operation. (less human intervention).	Many Trained Technical Staff, Installers and Technicians (field & host station).
29	Trouble Risk	Very Small.	Mechanical risks are large.
30	Network	Ring Topology	Point-to-Point, Multi-Drop-Business.
31	Access Methodology	From Box [113~114] To and From Box[115~137]	One way Head-to-End by Broadcasting Station to the subscriber.
32	Dialog Method	Full-Conversation by "Browser"	Remote T.V. controller. Selection by code using keypad.
33	Claimed Disclosure	All Video Using Industry has changed by way of '622' Patent Technology.	Completely Out of date Technology Business Model.

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[C.] Plaintiff Opinion Against D. The Court's Claim Construction Order.

4	"210" DKT#95 Page20	III. ORDER	"208" DKT#90 Page20
5	For the foregoing reasons, the court construes the disputed terms as follows:		
6	Disputed Claim Term	The Court's Construction	
7	"configured to not be remotely accessible [by customers]"	"configured to prevent or deny access by a [customer's] remote device"	
8			
9	"sorted by category and classified [in indexed master files]"	"organized by category and indexed in master files."	
10			
11	"a back-up . . . video data storage unit for storing back-up . . . video data files"	"an additional video data storage unit for storing copies . . . of the video data files"	
12			
13	"a first data input station configured for uploading"	"a hardware device configured to receive"	
14			
15	"errors in the . . . video data files"	no construction required	
16			
17	"error detection system"	not a means-plus-function limitation; no construction required	
18			
19	"restore"	no construction required	
20			
21	"customers"	"system users"	
22			
23	"The high speed data link being configured . . . [a] to prevent uploading of data from the [higher tier server/customer to lower tier server], [b] thus resisting data corruption of the [video data files on the lower tier server]"	"to prevent uploading of video data files from the [higher tier server/customer to the lower tier server], thus resisting data corruption of the [video data files on the lower tier server]."	
24			
25			
26	(The court construes the underlined terms as one clause.)		
27			

First of all, before December 14th 2012 Dkt [94]:

(a.) Since "MSF" (Mount Spelman & Fingerman) was representing plaintiff and Amazon legal representatives (K&L Gates) were defocusing this lawsuit filed on March 11th 2011 all selected term contentions and joint claim contentions were led by defending counsel to the joint statement filing. The '622' patent infringement claimed issues to this case was not covered.

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1 Although the court ordered Dkt. [95] was really pleased by plaintiff:

2 (b.) The plaintiff agreed with chart and all statements of Dkt. [95].

3 (c.) Amazon defendants should carefully read Dkt [95] order.

4
5 (d.) **Pursuant to USC Title 35 § 112-Specification, § 113-Drawings**
6 **and § 154(a)(4).**

7 Amazon defendants should follow the laws. '622' patent claims
8 can prosecute Amazon for the infringement of '622' patent.
9 (This case is "IP" (Intellectual Property) Patent Battle Case.
Amazon has had more than enough time and resources to acquire or
purchase a patent against '622' patent).

10 (e.) The above chart numbers **in red** are explained by plaintiff below:

11 1. Amazon does not have this point of Technology Technique.
12 (Agreed Court Contention).

13 2. Agreed as Court Contention.

14 3. Agreed as Court Contention

15 4. Agreed as Court Contention.
16 (Amazon has no product of "RAS")

17 5~6 Agreed as Court Construction.
18 (These monitoring errors by firmware of "RAS"
19 and Common Carrier Software and Physical Installation).

20 7. "restore" (*id.* Dkt [95], Court Order pg. 16 ll.11).
21 ("return to the former condition").

22 8. Customer means Box [125~137].

23 9. Multitiers High Speed Backbone Network Service Provider
24 Responsibility with selected Common Carrier and "ISP/ASP".
25 (*id.* Dkt. [117] SEQ#P)

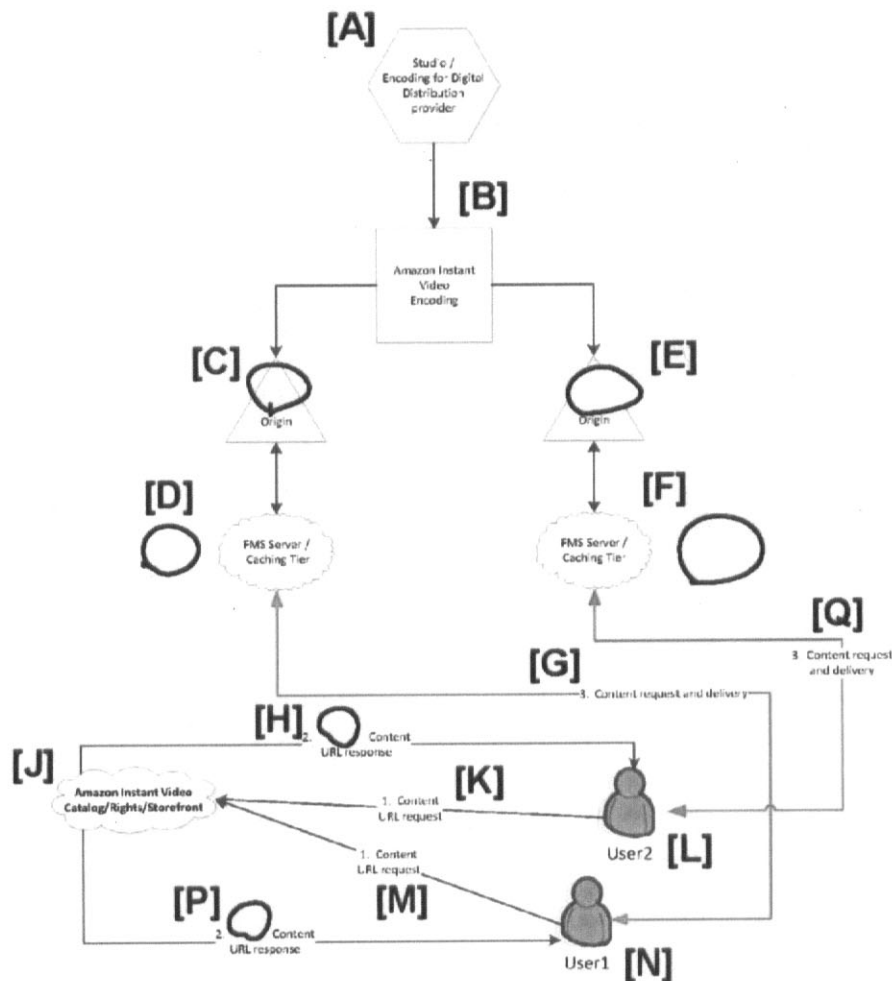
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10. CONCLUSION:

From the above (a.) and [C.] Amazon defending selected claims that we're not major to this case which has caused the plaintiff to spend unproductive time for the defendants to escape the "Fact Of The Truth" and proof of the evidence.

[D] Plaintiff Luckily Found The Proof Of Evidence and Fact Of The Truth From This Motion (Image Diagram architecture of AIV).



Confidential: Attorneys' Eyes Only

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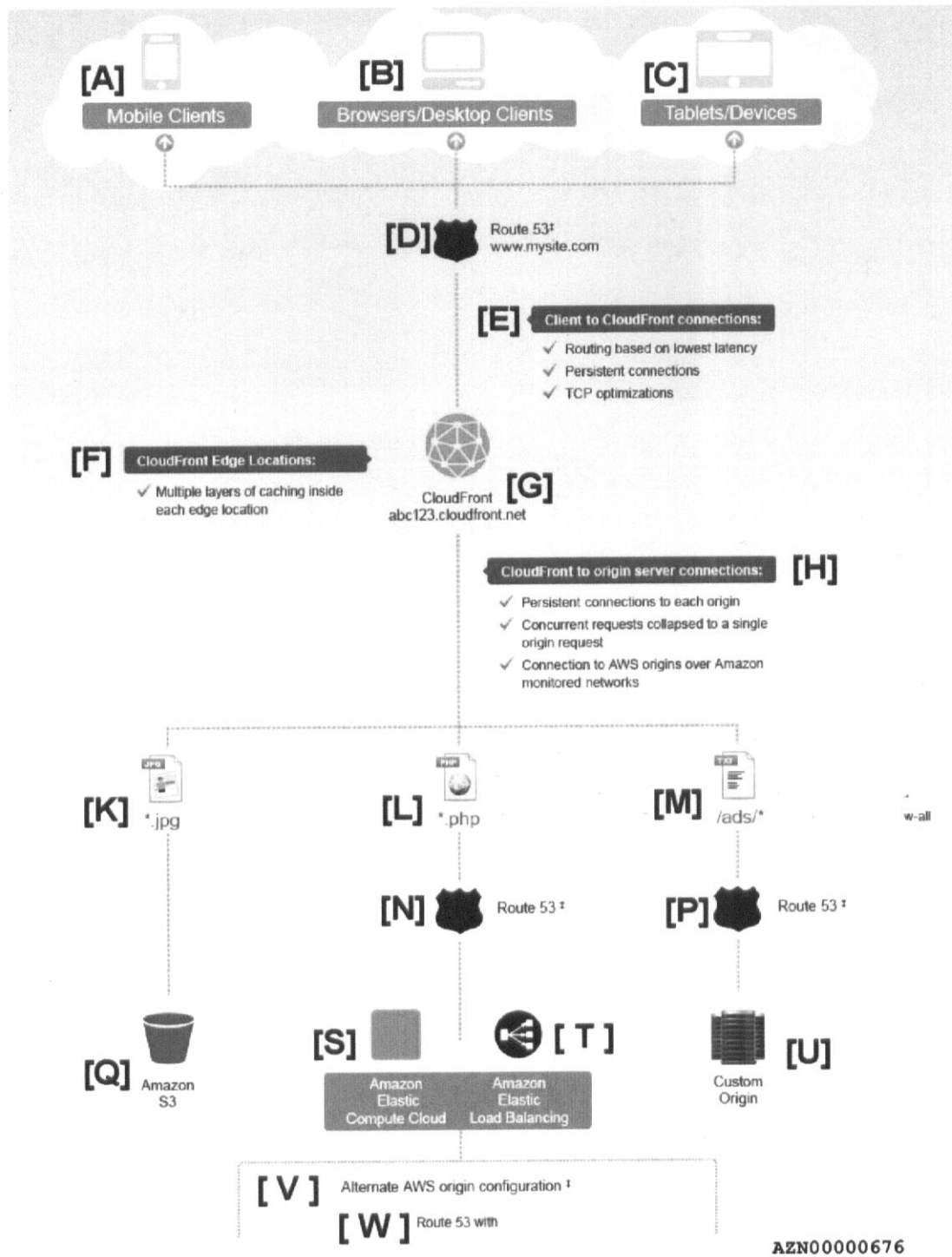
[D-1.] AIV Diagram Images showing the following steps:

STEP

- (01.) [N] (USER 1) is '622' Box [125~137].
- (02.) [J] (Amazon Instant Video Home Page) Box [115~116].
- (03.) [N]→[J],[N] Must select COMMON CARRIER [M]
(DKT. [117] Exhibit [02] Roadmap Drawing
Green Box [117~121]. Bottom Roadmap Drawing).
- (04.) Once [N] clicked AIV Catalog at [J] no lines to [D] or [F].
(Amazon choosing two of large Backbone Network Service
Providers to deliver the contents).
- (05.) The same way [L] (User 2) access [J] users Common Carrier [K].
- (06.) **Clearly infringing '622' Box [115~116] as [J].**
- (07.) **Clearly infringing '622' Box [113~114] as [D] and [F].**
- (08.) **Plaintiff ask immediately remove any video media from
"ISP/ASP" (Box 115~116) websites and "RAS" (Box 113~114).**

**[E.] Plaintiff Luckily Found The Proof Of Evidence and Fact Of The Truth
From This Motion (Image Diagram architecture of Amazon CloudFront).**

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[E-1.] Amazon CloudFront Diagram Images showing the following steps:

STEP

(01.) [A],[B] and [C] (USER) is '622' Box [125~137].

(02.) This Diagram only shows Tablet, Mobile and Desktop Users
(This diagram does not cover any other devices disclosed in '622'
Patent Box 125~137).

(03.) [A] and [C] also require the browser for Internet access to [D].

(04.) [D] Route 53 is "ISP/ASP" as disclosed in '622' patent.

(05.) [G]~[W] This system developer could not figure out proper way
to draw Amazon CloudFront documentation.

[E-2.] Amazon CloudFront is developing in various ways from time to time.

(01.) [G] is designed for various Cloud Computing storage services.

(a) The [K] for picture photograph service, [L] for Games and apps
(Amazon App Stores) and [M] Ads etc...

(b) [N] and [P] shows from "ISP/ASP" which is Amazon.com and
'622' disclosed Box [115~116].

(c) And [G] Amazon private assigned and access menu either from Internet
or Amazon specified Internet within Internet account.

(02.) **Immediately CloudFront Amazon "ISP/ASP" menu [D] has to be
removed.**

(03.) **Immediately CloudFront Amazon "RAS" menu [K], [L], [M],
[Q], [S], [T] and [U] has to be removed.**

September 3RD 2013.

X

JOE T. NOMURA

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